

RULES OF PROCEDURE FOR ZONING HEARINGS

**BEFORE THE
JEFFERSON COUNTY FISCAL COURT**

AND

**LOUISVILLE AND JEFFERSON COUNTY
PLANNING COMMISSION**

The following Rules of Procedure pertaining to practice of zoning hearings before Fiscal Court have been adopted by resolution of the Jefferson County Fiscal Court on October 18, 1966, and the Rules pertaining to practice before the Planning Commission have been adopted by the Louisville and Jefferson County Planning Commission on December 29, 1966.

The Fiscal Court and Planning Commission were assisted in the preparation of these Rules by a special committee of the Louisville Bar Association.

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PREFACE

Under Chapter 100 of the Kentucky Revised Statutes, as passed by the 1966 General Assembly, planning is mandatory for all of Jefferson County; the county-wide "planning unit" receiving the advice and recommendations from *one* Planning Commission.

All zoning cases in Jefferson County must be initiated with the Planning Commission, 900 Fiscal Court Building, Louisville, and be the subject of a hearing before the Commission. The Commission then sends the recommendations to the following five governmental bodies, which retain the final authority to act on zoning cases: the Louisville Board of Aldermen; the City Councils of St. Matthews, Jeffersontown, and Shively; and the Jefferson County Fiscal Court.

The Fiscal Court acts upon zoning cases where the property is outside the above four cities.

ZONING MATTERS BEFORE THE LOUISVILLE AND JEFFERSON COUNTY PLANNING COMMISSION

PZR 1.010 All applications to the Commission shall be in writing. Forms provided by the Commission shall be used unless no such forms are so provided for the matter presented.

PZR 1.020 Public hearings shall be held at such place as is designated in the advertisement of the public hearing; provided, however, any public hearing may be adjourned to such place as the chairman shall designate at the time of the adjournment.

PZR 1.030 All matters docketed shall be set for hearing in the order in which they were filed. Matters may be advanced on the docket only if it is shown in writing, addressed to the Director, that any delay would adversely affect the public health, safety, morals or general welfare.

PZR 1.040 Cases set for hearing on a given day shall be heard in the order in which they appear on the calendar unless the Chairman, for good and sufficient reason, directs otherwise.

PZR 1.050. When a matter is set for a public hearing, pursuant to advertisement, the matter shall be heard even though no one in favor of, or in opposition to, the application appears at the hearing unless the Commission, for good and sufficient reason, directs otherwise.

PZR 1.060 Each person who speaks at the public hearing shall furnish his name and address to the Commission and shall thereby become a party of record.

PZR 1.070 Each zoning matter in the public hearing shall be heard in the following order:

(a) The Director, or other member of the staff, shall read the notice of the hearing, summarize pertinent data, and read the recommendation of the staff.

(b) The applicant, or his representative, shall make a statement in support of the application.

(c) Other persons in favor of the application shall be heard.

(d) Those persons opposed to the application shall be heard.

(e) The applicant or his representative may be heard in rebuttal.

PZR 1.080 The Commission shall provide forms at the public hearing which may be signed by all persons desiring to become parties of record. All persons who sign said forms shall be parties of record.

PZR 1.090 After the close of the public hearing no witness shall testify before the Commission and no other new evidence shall be received by it; provided, however, this rule shall not prohibit the members of the Commission from examining

(a) The subject land and its surroundings, either before or after the public hearing, and reporting to the other members of the Commission.

(b) Any part of the Comprehensive Plan previously adopted or being considered.

(c) Any public record.

(d) Any file, report or map already in the office of the Commission.

PZR 1.100 Any applicant may voluntarily submit restrictive covenants with respect to the use of land in question. The applicant may impose conditions on the use and effectiveness of said restrictive covenants.

PZR 1.110 The applicant may withdraw any matter pending before the Commission at any time before the Commission has acted on such matter.

PZR 1.130 As soon as possible (and not later than ten days) after the approval of the minutes of the Commission containing the final recommendation pertaining to any matter, the Secretary of the Commission shall deliver six copies of the minutes to the Clerk of the Board of Aldermen when the subject land is within the City of Louisville, to the City Clerk of a Fourth Class City when within such city, or to the Clerk of the Fiscal Court when the land is without said cities and shall send one copy of the minutes to each lawyer of record, to the applicant, and to any adjacent or adjoining land owner whose land is included in an application.

ZONING MATTERS BEFORE THE JEFFERSON COUNTY FISCAL COURT

PZR 2.010 Promptly upon receipt by the Clerk of the Fiscal Court of the minutes forwarded by the Commission with respect to its initial recommendations or revised recommendations concerning any zoning matter, the Clerk shall make entries in a docket book to be kept by the Clerk for zoning matters only. The entries shall be made as the matter progresses and shall show :

(a) The name of the applicant and the Commission docket number.

(b) The date the minutes were received.

(c) A brief description of the location of the property.

(d) The date that a copy of the Commission's minutes was sent to each member of the Court and the County Attorney.

(e) Whether or not the Court will hold a public hearing, and whether or not the Court will receive additional information.

(f) All subsequent proceedings.

Upon receipt of the minutes, the Clerk shall place the matter on the agenda for a regular Court meeting to be held not less than ten days nor more than twenty days after receipt of the minutes, and shall give not less than five days notice, by mail, of the receipt of the minutes and the time and date of the first calling of the matter. Such notice shall be given to the applicant, the Commission, all lawyers of record, and all parties who spoke at the public hearing before the Commission, as shown by the minutes.

PZR 2.020 At the first calling of the matter, the following action may be taken :

(a) Any party may file motions or other papers.

(b) The Court may determine that it will receive additional information and fix a time within which the additional information shall be furnished.

(c) The Court may determine that it will hold another hearing and fix a time and date for such hearing.

(d) The Court may return the matter to the Commission.

(e) The Court may make final determination of the matter or may submit it for final action.

PZR 2.030 After one of the actions referred to in PZR 2.020 or some other action has been taken, the Clerk of the Court shall so notify the Commission, the applicant, all lawyers of record, and such other persons as the Court directs.

PZR 2.040 In the event the Court returns the matter to the Commission for further study, it shall set forth in writing the specific reasons for returning the matter to the Commission and shall advise the Commission concerning the type of further action which it desires the Commission to take, specifying the time within which it shall re-submit the matter to the Court with a further report. The Commission may be granted additional time for good cause within which it shall return its further recommendation. The matter shall then proceed as the Court directs.

PZR 2.050 The Court may (1) approve the proposed change, (2) partially approve and partially reject, (3) reject the proposed change, or (4) return the proposal to the Commission for further action. The decision of the Court shall be mailed or delivered to the applicant, the Commission, and all lawyers of record within five days after the minutes of the Court are approved.

PZR 2.060 Lawyers practicing zoning matters shall follow the Civil and Circuit Court Rules applicable to practice with other lawyers of record, with respect to notices and court room decorum. The Court may require the same procedure and conduct of others. The County Attorney and the lawyer for the Commission shall be lawyers of record.

(Rules of the Fiscal Court effective December 1, 1966)

FISCAL COURT ZONING CASE DOCKET

Docket No. _____

Applicant: _____

Attorneys for applicant: _____

Owner if different from applicant: _____

Attorney for opponents: _____

Description and Location of Subject Property: _____

Zoning action requested: _____

Recommendation of Commission: _____

* * * * *

Date

1. Commission's minutes received..... _____
2. Copies forwarded to Court and County Attorney _____
3. Mailed notice of first call of case..... _____
4. First call set for..... _____
5. First call of case held..... _____
6. Motions or other paper filed by parties..... _____
- _____
7. Court action:
 - (a) Additional information requested by the Court: _____
 - _____
 - (b) Information to be submitted by..... _____
 - (c) Additional hearing to be held at ____ M. on _____
 - (d) Case returned to the Commission on..... _____
 - (e) Reason for return and action requested _____
 - _____
 - (f) Report to be resubmitted by..... _____
 - (g) Other action on first call: _____
 - _____
8. Mailed notice of above action to necessary parties _____
9. Final action of Court: _____
- _____
10. Final action taken..... _____
11. Necessary parties notified..... _____
12. Remarks _____
- _____

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